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Special economic, humanitarian and disaster relief assistance

Draft resolution submitted by the Vice-President of the Economic and Social Council, Mr. Valery P. Kuchinsky (Ukraine), on the basis of informal consultations

Strengthening of the coordination of emergency humanitarian assistance of the United Nations

The Economic and Social Council,

Reaffirming General Assembly resolution 46/182 of 19 December 1991, recalling that humanitarian assistance should be provided in accordance with and with due respect for the guiding principles contained in the annex to that resolution and recognizing other relevant resolutions of the Assembly and resolutions and agreed conclusions of the Economic and Social Council,

Recalling its resolution 2002/32 of 26 July 2002 and General Assembly resolution 57/153 of 16 December 2002,

Recognizing that the affected State has the primary role in the initiation, organization, coordination and implementation of humanitarian assistance within its territory and in the facilitation of the work of humanitarian organizations,

Recognizing the importance of the principles of neutrality, humanity and impartiality for the provision of humanitarian assistance,

Emphasizing the importance of the discussion of humanitarian policies and activities in the Economic and Social Council,

Welcoming the fact that at the humanitarian affairs segment of 2003 the Economic and Social Council considered the theme "Strengthening of the coordination of the United Nations humanitarian assistance, with particular attention to humanitarian financing and effectiveness of humanitarian assistance and the transition from relief to development" and that the Council held a panel, within the framework of the theme, on "Responding to the effects of HIV/AIDS and other widespread diseases on humanitarian relief operations",

Emphasizing the importance of continued international cooperation in support of the efforts of affected States in dealing with natural disasters and complex emergencies in all their phases,

Reiterating that humanitarian assistance should be provided in a way that is not to the detriment of resources made available for international cooperation for development,

Welcoming positive developments towards the resolution of some long-standing conflicts while remaining deeply concerned about the outbreak of new conflicts and the protracted nature of other conflicts,

Noting with grave concern the growing intensity and recurrence of natural disasters and reaffirming the importance of sustainable measures to reduce the vulnerability of societies to natural hazards using an integrated, multi-hazard and participatory approach to address vulnerability, risk assessment and disaster prevention, mitigation, preparedness, response and recovery,

Taking note of the 2003 "Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies"[1] as well as of the 1994 "Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief",[2]

Bearing in mind the review of the Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation and its Plan of Action,[3]

Expressing grave concern about the tragic loss of lives of humanitarian staff while providing humanitarian assistance and the increased insecurity encountered by humanitarian staff as well as the acts of violence committed against them, in particular deliberate attacks, and mindful of the need to provide the fullest possible protection for their security,

Recalling the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations as a war crime in the Rome Statute of the International Criminal Court,[4] which was adopted on 17 July 1998 and entered into force on 1 July 2002, and noting the role that the Court could play in appropriate cases in bringing to justice those responsible for serious violations of international humanitarian law,

Bearing in mind that reaching the vulnerable is essential for providing adequate protection and assistance in context of natural disasters and complex emergencies as well as for strengthening local capacity to cope with humanitarian needs in such contexts,

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[1] See http://www.reliefweb.int/w/rwb.nsf.

[2] Department of Humanitarian Affairs publication, DHA/94/95.

[3] A/CONF.179/9, chap. I, resolution 1, annex I.

[4] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

Noting the grave humanitarian and development implications of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) pandemic and other widespread major infectious diseases prevalent in humanitarian context, such as malaria, tuberculosis and cholera, on the affected countries,

1. *Takes note with appreciation* of the report of the Secretary-General on strengthening the coordination of emergency humanitarian assistance of the United Nations;[5]

Humanitarian developments and challenges

2. *Calls upon* all parties to armed conflicts to comply with their obligations under international humanitarian law, human rights law and refugee law;

3. *Reaffirms* the obligation of all States and parties to armed conflict to protect civilians in armed conflicts in accordance with international humanitarian law, and invites States to promote a culture of protection, taking into account the particular needs of women, children, older persons and persons with disabilities;

4. *Urges* the international community and the relevant organizations of the United Nations system to strengthen humanitarian and other assistance to civilians under foreign occupation;

5. *Urges* all States to take necessary measures to ensure the safety and security of humanitarian personnel and United Nations and associated personnel;

6. *Strongly condemns* any act, or failure to act, contrary to international law, which obstructs or prevents humanitarian personnel and United Nations personnel from discharging their humanitarian functions;

7. *Calls upon* all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post-conflict situations, in countries in which humanitarian personnel are operating, in conformity with the relevant provisions of international law and

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[5] A/58/89-E/2003/85.

national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel, as well as supplies and equipment, in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons;

8. *Strongly urges* States to ensure that those responsible for attacks against humanitarian staff are promptly brought to justice, as provided by national law and obligations under international law, and notes the need for States to end impunity for such acts;

9. *Notes* that an increasing number of States, United Nations organizations and regional and non-governmental organizations are making use of the Guiding Principles on Internal Displacement,[6] encourages the strengthening of legal frameworks for the protection of internally displaced persons, and urges the international community to strengthen its support to affected States in their efforts to provide, through national plans or initiatives, protection and assistance to their internally displaced persons;

10. *Stresses* the continued need and relevance of integrating, through implementation of existing policies, commitments and guidelines on gender mainstreaming, a gender perspective in the planning, programming and implementation of humanitarian assistance activities;

11. *Welcomes* the establishment by the Inter-Agency Standing Committee of the six core principles in the Plan of Action on Protection from Sexual Exploitation and Abuse in Humanitarian Crises,[7] representing minimum standards of behaviour required of all United Nations civilian staff members, and urges the United Nations to take appropriate follow-up action in response to allegations of sexual violence and exploitation by humanitarian workers;

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[6] E/CN.4/1998/53/Add.2, annex.

[7] See http://www.unicef.org/media/publications/iasctfplanofaction.pdf.

12. *Encourages* Governments as well as international humanitarian organizations, as appropriate, to take further initiatives to prevent, address and follow up on allegations of sexual exploitation and abuse in humanitarian emergencies, and emphasizes that the highest standards of conduct and accountability are required of all personnel serving in humanitarian and peacekeeping operations;

13. *Stresses* the need to strengthen institutional capacity at all levels as well as disaster risk reduction programmes, particularly in developing countries and countries with economies in transition, in order to minimize vulnerabilities and disaster risks as well as to avoid or to limit adverse impact of natural hazards within the broad context of sustainable development;

14. *Encourages* the United Nations Development Programme, the Office for the Coordination of Humanitarian Affairs and the International Strategy for Disaster Reduction to continue to strengthen their coordination with the view, inter alia, to advancing the implementation of provisions of vulnerability, risk assessment and disaster management, including prevention, mitigation, preparedness, response and recovery as contained in the Johannesburg Plan of Implementation adopted at the World Summit on Sustainable Development;[8]

15. *Encourages* humanitarian agencies to ensure, to the extent possible, the participation of those affected by humanitarian situations in the design, implementation and evaluation of humanitarian assistance activities, while respecting the role of authorities of affected countries;

16. *Recalling* paragraph 3 of Article 101 of the Charter, invites the United Nations organizations to enhance geographical balance in terms of humanitarian personnel employed by them;

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[8] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

17. *Stresses* the need for increased national and regional capacity-building in early warning and monitoring of natural hazards, natural disaster preparedness, mitigation and response, including through strengthening coordination in the areas of information sharing and analysis, logistics support, response coordination and strengthening enhanced relationships with existing regional structures, and encourages the international community to provide necessary technical assistance to States in this regard;

18. *Welcomes* the convening of the Second International Conference on Early Warning: Integration of the Early Warning Process into Public Policy, which is to be held from 16 to 18 October 2003 in Bonn, Germany, under the auspices of the United Nations;

19. *Encourages* States that have not done so to consider ratifying or acceding to the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, adopted at Tampere, Finland, on 18 June 1998;

20. *Recalls* General Assembly resolution 57/150 of 16 December 2002 on strengthening the effectiveness and coordination of international urban search and rescue assistance, and welcomes the work that is being undertaken to further strengthen the effectiveness and coordination of international urban search and rescue assistance;

21. *Affirms* the leading role of civilian organizations in implementing humanitarian assistance, particularly in areas affected by conflicts, and also affirms the need, in situations where military capacity and assets are used to support the implementation of humanitarian assistance, that their use be in conformity with international humanitarian law and humanitarian principles;

22. *Urges* States to implement outcomes and commitments of United Nations conferences on the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) pandemic as well as other major infectious diseases, including malaria and tuberculosis, with particular focus on the time-bound targets related to those diseases in complex emergencies and natural disaster-affected countries and regions;

23. *Recognizes* the important role of humanitarian agencies in addressing human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and other major infectious diseases, such as malaria, tuberculosis and cholera, in emergencies, and urges them to factor considerations pertaining to these major infectious diseases into their planning and coordination efforts, including in the areas of early warning and contingency planning;

24. *Calls upon* humanitarian and development organizations to strengthen their cooperation, between themselves and with Governments of affected States, in order to ensure that the longer-term developmental implications of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) epidemic and of the other major infectious diseases are adequately addressed in emergency situations;

Transition from relief to development

25. *Takes note* of the work in progress by the United Nations system to clarify the role of the United Nations in post-conflict transition situations;

26. *Reiterates* that emergency assistance must be provided in ways that will support recovery and long-term development;

27. *Also reiterates* the need to address the strategic planning gap between relief and development activities in the context of natural disasters and complex emergencies;

28. *Notes with concern* the disturbing trend of low or late funding for rehabilitation programmes aimed at helping affected communities to attain self-sufficiency;

29. *Recognizes* that, inter alia, early engagement in planning, fuller coverage of the needs of all sectors, more support for recovery and long-term development activities, capacity-building at all relevant levels and enhancement of national ownership is critical to managing the transition from relief to development;

30. *Reiterates* the need for coordinated humanitarian assistance and adequate financial resources to ensure ongoing capacity for prompt, timely and effective response by the United Nations system to natural disasters and other emergencies, both for immediate relief and also for the smooth transition between relief, rehabilitation, reconstruction and long-term sustainable development;

31. *Stresses* the importance of addressing, based on need, the situation of the least developed countries affected by conflict, natural disasters and other humanitarian situations and of improving their institutional capacity and providing adequate support for rehabilitation, reconstruction, long-term sustainable development, poverty reduction and, where appropriate, peace-building efforts of least developed countries emerging from those situations;

32. *Recognizes* that the need for coordination increases and becomes more complex in post-conflict transition, and encourages States and the United Nations system, as appropriate, to enhance their efforts towards the early assumption of the coordination role of the Government as well as integrated coordination, including information management, inclusive planning, donor coordination, strengthening the United Nations Resident Coordinator system and the full participation of concerned Governments in needs assessment, planning mechanisms and coordination processes;

33. *Stresses* the need to consider the issue of the transition from relief to development in an integrated manner at a substantive session of the Economic and Social Council in the near future, in view of the importance of getting humanitarian and development organizations, including international and regional financial institutions and non-governmental organizations, to discuss the implications of these situations more fully in their programming;

Humanitarian financing and effectiveness of humanitarian assistance

34. *Reaffirms* the responsibility of States, first and foremost, to take care of the victims of humanitarian emergencies within their own borders, while recognizing that the magnitude and duration of many emergencies may be beyond the response capacity of many affected countries;

35. *Recognizes* the role of the Emergency Relief Coordinator, and calls upon relevant United Nations organizations as well as other humanitarian actors to enhance the coordination, effectiveness and efficiency of their humanitarian activities, including by:

(a) Enhancing their commitment to system-wide coordination both at Headquarters and in the field;

(b) Strengthening efforts to report on results, activities and financial matters, including to donors, in a timely and comprehensive manner, and, where possible, to strive for harmonized reporting, bearing in mind specific requirements of donors;

(c) Developing further methods for monitoring and evaluation, including independent evaluations;

(d) Maximizing the portion of humanitarian assistance contributions that directly benefits people in need;

(e) Addressing mutual safety and security concerns at the field level;

36. *Calls upon* the organizations of the United Nations system to improve and increase consistency in the way in which humanitarian needs are assessed, inter alia, by:

(a) Enhancing the quality, accuracy and transparency of needs assessments;

(b) Agreeing upon minimum standards in order to properly assess needs;

(c) Including States and other humanitarian actors in assessment missions;

(d) Addressing all humanitarian needs;

(e) Taking into account safety and security of humanitarian personnel;

(f) Undertaking joint agency assessments;

37. *Urges* the Emergency Relief Coordinator to further develop the global humanitarian financial tracking system and to refine the comprehensive system for the collection and dissemination of data on humanitarian needs and contributions;

38. *Encourages* the donor community to improve its response to humanitarian emergencies through policies and practices of good donorship, along with mechanisms for their review, and welcomes steps taken in that direction;

39. *Encourages* the donor community to provide humanitarian assistance in proportion to needs and on the basis of needs assessments, with a view to ensuring a more equitable distribution of humanitarian assistance across humanitarian emergencies, including those of a protracted nature, as well as fuller coverage of the needs of all sectors;

40. *Encourages* the donor community to establish reliable, predictable and timely funding to meet humanitarian needs and to consider increasing the flexibility of funding and the share of non-earmarked contributions to United Nations agencies in response to humanitarian emergencies, including within the consolidated appeals;

41. *Encourages* donors to consider taking steps to harmonize reporting requirements, based on United Nations standards for financial reporting, as well as to enhance reporting to the financial tracking system;

42. *Requests* the Secretary-General to reflect the progress made in the implementation of and follow-up to the present resolution in his next report to the Council and the General Assembly on the coordination of emergency humanitarian assistance of the United Nations.

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